

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MINH KHA HOANG PHAN,

Petitioner,

v.

P. COVELLO,

Respondent.

No. 2:21-cv-02219-TLN-CKD

ORDER

Petitioner, a California prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

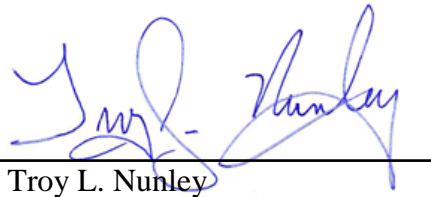
On December 7, 2022, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 29.) Neither party has filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed December 7, 2022, (ECF No. 29), are adopted in full;
2. Respondent's Motion to Dismiss (ECF No. 11) is GRANTED;
3. Petitioner's Motion for a Stay (ECF No. 25) is DENIED.
4. This case is closed; and
5. The Court declines to issue the Certificate of Appealability referenced in 28 U.S.C. § 2253.

DATE: February 7, 2023



Troy L. Nunley
United States District Judge